

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,) 3:18-cr-00018-HDM-VPC
12 Plaintiff,)
13) ORDER
14 vs.)
15 JEAN ANGELA ORTEGA,)
16 Defendant.)
17 _____)

18 The defendant, JEAN ANGELA ORTEGA was charged by complaint of one
19 count of assault resulting in serious bodily injury in violation of
20 18 U.S.C. §§ 113(a)(6), 1151, and 1153 (ECF No. 1).

21 On August 15, 2018, the government filed a motion for a
22 competency hearing and a psychiatric evaluation to determine the
23 defendant's competency to stand trial (ECF No. 24). The court
24 conducted a hearing on the motion on August 22, 2018.

25 **IT IS HEREBY ORDERED** that in accordance with 18 U.S.C. § 4241 and
26 § 4247, and under the inherent powers of the court to order such
27 examination, the United States Marshal Service shall transport JEAN
28 ANGELA ORTEGA, defendant herein, to a suitable Federal Medical

1 Facility closest to the court, designated by the U.S. Bureau of
2 Prisons, in order to determine if defendant currently suffers from a
3 mental disease or defect rendering her mentally incompetent to the
4 extent that she is unable to understand the nature and consequences
5 of the proceedings filed against her or assist an attorney in her own
6 defense.

7 This court has authority to order a psychiatric or psychological
8 examination of defendant to determine whether defendant currently
9 suffers from a mental disease or defect rendering her mentally
10 incompetent to stand trial at this time. See 18 U.S.C. § 4241(b).

11 **IT IS FURTHER ORDERED** that defendant shall be held in said
12 facility for a reasonable period of time, not to exceed (30) days from
13 the date of her placement in the facility, unless extended by further
14 order of the court upon application of the Director of the said
15 facility, or pursuant to other appropriate motion, or upon order
16 entered by the court, *sua sponte*, for a period of up to fifteen (15)
17 additional days pursuant to 18 U.S.C. § 4247(b).

18 **IT IS FURTHER ORDERED** that, when Defendant has completed the
19 examination, and her presence is no longer required at the medical
20 facility, she shall be transported forthwith back to the District of
21 Nevada.

22 **IT IS FURTHER ORDERED** that the examination conducted pursuant to
23 this Order be by one or more licensed or certified psychiatrists or
24 psychologists pursuant to 18 U.S.C. § 4247(b).

25 **IT IS FURTHER ORDERED** that within twenty-five (25) days from the
26 date of her placement in the facility, or such additional period as
27 may be ordered by the Court, the Director of the said facility at
28 which the examination has been conducted shall prepare, or cause to

1 be prepared, a psychiatric or psychological report of defendant and
2 that she shall send copies of such psychiatric or psychological report
3 to the Clerk of the United States District Court for the District of
4 Nevada, to Sue Fahami, Assistant United States Attorney, and to Kate
5 Berry and Chris Frey, counsel for defendant ORTEGA pursuant to 18
6 U.S.C. § 4241(b) and § 4247(b) and (c).

7 **IT IS FURTHER ORDERED** that the said report prepared pursuant to
8 18 U.S.C. § 17, § 4241(b), and §4247(b) and (c) as per this Order
9 shall include:

- 10 (1) Defendant's history and present symptoms;
- 11 (2) A description of the psychiatric, psychological or medical
12 tests that were employed and their results;
- 13 (3) The examiner's findings;
- 14 (4) The examiner's opinions as to diagnosis, prognosis; and
- 15 (5) The examiner's opinions as to whether the defendant is
16 suffering from a mental disease or defect rendering her
17 mentally incompetent to the extent that she is unable to
18 understand the nature and consequences of the proceedings
19 filed against her or assist her attorney in her own
20 defense. Thus, rendering her incompetent to stand trial at
21 this time.

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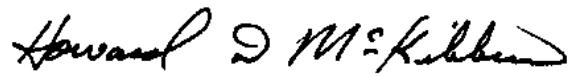
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26 The court finds that the period of time required by the above-
27 described psychiatric or psychological examination of defendant, and
28 the court's determination of defendant's competency to go forward with

1 trial, is excludable time under the Speedy Trial Act, Title 18, United
2 States Code, Section 3161(h)(1)(A). Therefore, the current calendar
3 call and trial date shall be vacated.

4 IT IS SO ORDERED.

5 DATED: This 22nd day of August, 2018.

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8 UNITED STATES DISTRICT JUDGE

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